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221459Z Feb 05

ACTION AF-00

INFO	LOG-00	NP-00	AID-00	AMAD-00	CIAE-00	INL-00	USNW-00
	DODE-00	DS-00	EB-00	UTED-00	VC-00	H-00	TEDE-00
	INR-00	IO-00	L-00	VCE-00	NSAE-00	OIC-00	PA-00
	GIWI-00	PRS-00	P-00	SP-00	SSO-00	SS-00	STR-00
	TRSE-00	FMP-00	BBG-00	R-00	DSCC-00	PRM-00	DRL-00
	G-00	SAS-00	(AF-00)				

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FM AMEMBASSY GABORONE
TO SECSTATE WASHDC 1734
INFO SOUTHERN AFRICAN DEVELOPMENT COMMUNITY
HQ USEUCOM VAIHINGEN GE
NSC WASHDC

UNCLAS GABORONE 000257

SIPDIS

SENSITIVE BUT UNCLASSIFIED

DEPT FOR AF/S DIFFILY

E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [BC](#)
SUBJECT: A PAPER TOO FAR: U/BOTSWANA ACADEMIC SERVED
WITH DEPORTATION ORDER BY GOB

A) GABORONE 00056; B) GABORONE 00243

1. (SBU) Summary: The GOB served a 48-hour deportation order to U/Botswana academic and Australian citizen Prof. Kenneth Good on February 18. Good is a 15-year Botswana resident and critical observer of its politics. His attorneys obtained a stay of execution from the High Court on February 19. The High Court has ordered the GOB to show cause for the deportation by March 7 and hearings were scheduled to begin on February 22. At issue is a seminar paper entitled, "Presidential Succession in Botswana: No Model for Africa" co-authored by Good, a political scientist, and circulated prior to its presentation on February 23. The paper criticizes Botswana's presidential succession, in which the president resigns in mid-term and the vice president automatically succeeds to the office, thereby creating a system of perpetual incumbency. Human rights and media organizations, as well as UB's faculty and staff union, have rallied around Good. The incident reveals the current sensitivities within the ruling Botswana Democratic Party to criticism of any kind. Post has given Australian High Commission in Pretoria information on the case, per its request. Post also recommends a demarche with like-minded countries should the deportation be carried out. See para 15 for suggested press guidance. End summary.

2. (U) On Friday afternoon, February 18, around 4:00 p.m. five officials from Botswana's Immigration Office delivered a notice of deportation as a prohibited immigrant to Professor Kenneth Good, of the Department of Political Science and Public Administration of the University of Botswana. The notice, brought to his house, gave Good forty-eight hours to leave the country; i.e., until Sunday afternoon, thus calculated to leave him little recourse with official authorities as business hours would not resume until after the weekend. No reason was given on the paper, signed by the chief immigration officer. Kenneth Good, an Australian, is seventy-one and in frail health. He has lived in Botswana for the past fifteen years with his daughter, now seventeen and attending secondary school in Gaborone. He has published extensively on political developments in the country. His contract with the University of Botswana, which was renewed in fall 2004, runs until December 2006.

3. (U) The Botswana Center for Human Rights immediately sprang into action, and within a few hours, Ken Good was represented by lawyers Dick Bayford (who stood as presidential candidate for one of the smaller opposition parties during the October 2004 election) and Duma Boko, one of the lawyers representing the First People of the Kalahari v. Govt. of Botswana in the case currently before the High Court. They worked through the night to prepare a brief and found Judge Marumo willing to hear their case in chambers at the High Court on Saturday February 19. The judge ruled the deportation null and void on technicalities, demanded that the government show

cause, and commented that the order raised problems of a constitutional nature regarding freedom of expression. Marumo gave the government of Botswana until March 7 to show cause why Ken Good should be deported.

4.(SBU) At issue is a double jeopardy for the U/Botswana academic. Having the distinction of being deported from Ian Smith's Rhodesia in the late 1970s, Ken Good's left-liberal views have not deviated; he has been an unrelenting critic of the establishment-any establishment-for the past decades and champion of the underdog. After moving to the University of Botswana in the early nineties, he focused his attention on the elitist nature of Botswana's democracy.

15. (SBU) He has regularly published articles challenging the received wisdom of Botswana as a model African nation. In the past years, he has written and published several articles highlighting the plight of the Basarwa. These articles criticized the Government of Botswana's relocation policy. Botswana journalists writing for independent newspapers who want an alternate view to the government line regularly consult Professor Good. In short, Professor Good's status has been something like an official gadfly. Although on occasion a GOB spokesperson would rebut Good's views, by and large the impression was cultivated that Good was tolerated, occupying something of an iconic place in the world of Botswana's public

discussion.

16. (U) The context for the deportation order is likely the combination of the following factors: South Africa's Human Sciences Research Council is currently engaged in a project of studying comparatively presidential succession in Africa. A number of scholars were invited to draft papers on this topic: Professor Good and his then-colleague, Dr Ian Taylor, now at St. Andrews University in Scotland, co-wrote a paper, presented at a December 2004 Cape Town conference. Subsequently, the paper was revised and was to be presented by Professor Good in the regular Department of Political Science seminar series of the University of Botswana on Wednesday, February 23. Last week, Professor Good circulated copies of his paper prior to the presentation.

17. (SBU) The scholarly paper, entitled, "Presidential Succession in Botswana: No Model for Africa", almost certainly is the cause of the GOB's deportation order. It is highly critical of both the automatic succession from president to vice president, and of the current Vice President, Ian Khama. It cites instances of high-handed decision-making and harps on his military background as contributing to an increasingly visible authoritarian tendency within the ruling Botswana Democratic Party (BDP). In the GOB view, this is tantamount to subversion.

18. (U) But none of these points are new or original: in fact, Professor Good relies on media articles to substantiate his views. All of the possibly inflammatory language in his paper in fact consists of direct quotes from these articles. Moreover, the topic has been under public discussion for the past year or two. What is interesting is the timing of this reaction on the part of the GOB.

19. (SBU) The context for the ruling BDP is in fact the end of its long glide on the wings of power: the party is, so to speak, encountering some updrafts and turbulence. The 52 percent of the popular vote the BDP garnered in the October 2004 election set against 48 percent for an admittedly divided opposition does herald a shift. Moreover, losses in what were previously considered safe districts on the district council level are a BDP cause for concern. The advent of personable young opposition leaders is another factor with which the BDP must contend.

110. (SBU) There are deep public reservations about the Vice President's political skills (Reftel A). Opposition politicians recently raised in parliament such issues as automatic succession to the presidency. They also have questioned cabinet decisions such as the location of the second university (Reftel B). It is the intersection of an opposition that is finding its way and an internationally known academic repeating these concerns that no doubt accounts for Ken Good's deportation order, by "presidential decree". In fact, a member of the cabinet stated privately that the cause was Good had "circulated subversive documents."

111. (U) The University of Botswana has rallied round to express support for Ken Good. The seminar in which the paper is to be presented is still scheduled for Wednesday afternoon at the University. The Botswana Center for

Human Rights issued a statement, "Deportation of Ken Good Violates Fundamental Human Rights Principles" on February 21, and MISA (Media Institute of Southern Africa (Botswana) circulated a statement, "Deportation of Professor Kenneth Good on P.,I. Status". Independent newspapers carry headlines and editorials decrying the GOB action: typical is The Monitor's February 21 editorial, entitled, "Barbarisms that belong to a by-gone Era".

¶12. 12. (SBU) Batswana attending a Bank of Botswana function February 22 told Charge that this was not the best step for the GOB to be taking and could damage its image abroad, especially considering the growing visibility of the Basarwa case. She also heard, however, that a cabinet minister (not the one mentioned above) had commented that Professor Good was a "racist" and that it was about time this happened to him. As we know, Batswana frequently use this language in response to criticism when they mean something else.

¶13. (U) As of this afternoon, February 22, hearings on Good's deportation order are scheduled at the High Court.

Post is attending and will report on the outcome. One of the attorneys representing Professor Good, Duma Boko, reported to MMEGI (independent daily newspaper), that he had received death threats from an "anonymous caller" yesterday at around noon. His office passed word of the call to him in Mahalapye. He did not know if it might be a prank.

¶14. (U) International colleagues of Professor Good have indicated that they will contact media in the U.K. and in South Africa and alert them to this overreaction on the part of the GOB. Charge and Pol/Econ Chief met with Professor Good February 22. We also passed press reports to the Pretoria-based Australian High Commission, which contacted us for information. Post also recommends a demarche with like-minded countries should the deportation be carried out.

¶15. (SBU) Post suggests the following press guidance on this issue: The United States notes with concern the Government of Botswana's decision to deport Professor Kenneth Good as a prohibited immigrant. This action undermines the freedom of expression guaranteed in the Constitution of the Republic of Botswana. The United States notes that the deportation order is pending further judicial review. We urge the Government of Botswana to continue its tradition of respecting freedom of speech as an essential component of a democratic society.

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